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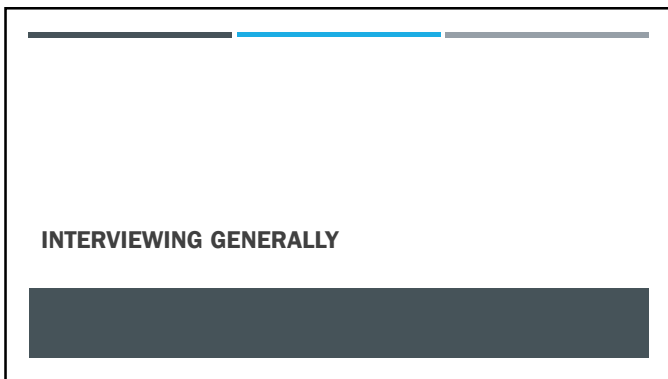
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## WHEN WHERE



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## WHEN WHERE

- | Initial Interview | Follow-Up   | Prep For Trial | Prep For Disposition |
|-------------------|-------------|----------------|----------------------|
| ■ Detention       | ■ Detention | ■ Detention    | ■ Detention          |
| ■ Court           | ■ Court     | ■ Court        | ■ Court              |
| ■ Office          | ■ Office    | ■ Office       | ■ Office             |
| ■ Telephone       | ■ Telephone | ■ Telephone    | ■ Telephone          |
| ■ Community       | ■ Community | ■ Community    | ■ Community          |

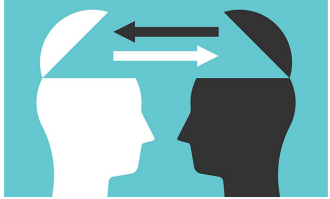
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## OTHER INTERACTIONS

- Court Follow-Up
- Post-Disposition Prep
- Consultation
- Many Others

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## PURPOSE OF CLIENT INTERVIEWS



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## CHILD'S BARRIERS TO EFFECTIVE COMMUNICATION

- Limited Vocabulary
- Magical Thinking
- Non-linear story-telling habits
- Culturally Different Vocabulary
- Mistrust
- Misplaced Assumptions
- Short Attention Spans
- Fearfulness



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## ADOLESCENT DEVELOPMENT AND COMMUNICATION

- Limited Cognitive Reasoning
- Present-Oriented
- Impulsivity/Risk-Tolerance
- Susceptibility to Peer Influences
- Decision-Making Skills Decline Under Stress
- Suggestibility (especially younger adolescents)
- Approval-Seeking / Judgment Avoiding
- Inexperienced/Unknowledgeable
- Self-Conscious
- Fairness Fanatics



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### OTHER CLIENT BARRIERS

- Learning or Cognitive Disabilities
- Traumas
- Prior Bad Experiences With Attorneys
- Communication Disorders
- ADHD
- Substance Abuse



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### YOUR BARRIERS TO EFFECTIVE COMMUNICATION

- Impatience or Lack of Time
- Inexperience Talking to Youth
- Lack of Understanding of Youth



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### OVERCOMING BARRIERS: LACK OF TRUST

- Time
- Display of Empathy
- Start With Non-Threatening Topics
- Focus on What is Important to the Youth
- Explain Need to Ask Harder Questions
- Ask Questions Without Judgment
- Reassure Client About Your Role and Loyalty
- Make No Promises You May Not Be Able to Keep
- Avoid Misreading Body Language

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### OVERCOMING BARRIERS: WEAK COMMUNICATION SKILLS (CHILD)

- Choose Distraction-Free Environment
- Reduce Stress
- T-Funnel Interviewing Method
- Get Information From Other Sources To The Extent You Can Do So Without Violating Trust Or Loyalty
- Have Client Explain Things Back To You
- Be simple and plain (legalese, abstractions, etc.)

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### DISPLAYING EMPATHY



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### QUESTIONS WITHOUT JUDGMENT

*"Why did you skip school?" → "Is there something that makes you miss school?"*

*"Have you been doing drugs?" → "What do you think the drug test show?"*

*"Have you been doing everything you're supposed to do?" →*  
*"What do you think the probation officer will say in court today?"*

*"Do you think that shirt is appropriate for court?" → "The judge might make you get*  
*different clothes"*

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### DISTRACTION-FREE, STRESS-FREE ENVIRONMENT

- Avoid Courthouse Hallways
- Avoid Rushing
- Avoid Ultimatums
- Give Client As Much Control As Possible
- Put Client's Back to the Distraction
- Acknowledge Environmental Problems You Can't Avoid



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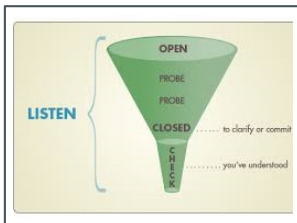
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### T-FUNNEL TECHNIQUE



- Start With Open-Ended Questions and Uninterrupted Answers
- Follow With Narrow Questions to Draw Out Details
- Avoid Yes-No Questions to the Extent Possible
- Avoid Suggesting The Answer

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### OPEN, NARROW, AND CLOSED QUESTIONS

*"What happened last night?"*

*"What happened when the police came?"*

*"What did the police officer say to you when he came up to you?"*

*"Did the police officer take anything from your pocket?"*

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### SUGGESTIVE QUESTIONS

*"Was the light red?" → "Did you see the light? What color was it?"*

*"Did you feel scared?" → "How did that make you feel?"*

*"Did he point the gun at you?" → "What did he do with the gun?" or "Where was he pointing the gun?"*

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### CAUTIONS



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### THE INITIAL INTERVIEW IN DETENTION OR CELL BLOCK OR AT COURT



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### DESCRIBE YOUR EXPERIENCE WITH INTERVIEWS AT DETENTION

- Cramped room / Huge Room
- Institutional feel
- Questionable confidentiality / privacy
- Hard surfaces, echoes
- Detention personnel around

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### WHAT ABOUT AT COURT BEFORE DETENTION HEARING?

- Questionable Privacy
- Rushed timeline
- Highly distracted
- Stressful environment

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### WHAT IS IT IMPORTANT TO ACCOMPLISH IN THIS INTERVIEW?

- Check on well-being of the child and determine child's immediate needs
- Get any records releases you may need
- Exchange of Key Information
  - Explain who you are and role of defense attorney
  - Explain what you expect to happen at court
  - Obtain information relevant to a release argument
  - Obtain  cursory  information about the alleged offense
- Advise Client

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OVERARCHING GOAL



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**WHAT DO YOU  
THINK THE CHILD  
IS THINKING?**

*This is unfair*

*I don't know him/her. Who is this?*

*I already talked to a lot of people*

*This is scary*

*Mom is going to kill me*

*Tired, hungry, confused*

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CHECKING ON CLIENT'S WELL-BEING AND IMMEDIATE NEEDS



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### EXPLAIN WHO YOU ARE AND WHAT YOUR ROLE IS




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### INFORMATION YOU NEED FOR RELEASE

- Desire to go home?
- Home Life
- School Life
- Strengths
- Work? Church?
- Significant Supports
- Prior or Current Court Involvement / Probation
- Mental/Physical Health
- Drugs

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### CURSORY INFORMATION ABOUT UNDERLYING ALLEGATIONS

- Basic accusation
- Potential defenses
- Potential mitigation
- Officers' sources of information
- Statements to police
- Other people involved




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### CONCLUDING THE INTERVIEW

- Sign releases
- Give warnings
  - "My lawyer told me to not answer any questions"
  - Discuss case with no one
  - What else?
- Say when you will see him again and how to contact if needed

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### TRIAL PREP INTERVIEW

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### TRIAL PREP INTERVIEW: BEFORE THE INTERVIEW

- Read Discovery
- Review Statutes and Case Law
- Request and Review Relevant Records
- Maybe: talk to other witnesses and conduct investigation
- Maybe: discuss potential plea arrangements with prosecutor

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**TRIAL PREP INTERVIEW**

- Go over advice and role again
- Getting the fuller version of client's version of events
  - Allow client to tell the story and then ask questions to fill in details
  - Avoid judgment
  - Be empathetic
- Obtain additional releases of information you may need
- Prep for testimony?
- Again, advise client of what will happen next
- Maybe: Begin disposition investigation

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**WE HAVE ONLY SCRATCHED THE SURFACE**

- Watch your confidentiality and privilege
- Be yourself!

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**BREAKOUTS**

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## JONATHAN LOPEZ – DETENTION INTERVIEW

From the police report, you know Jonathan Lopez is 15 years old. He was found at the local high school with a small bag of white powder that the police say was cocaine. He is accused of possessing cocaine for distribution. You know that Jonathan has no juvenile delinquency court history in this county and is not currently on probation. You do not know anything else about Jonathan. He is scheduled for a detention hearing tomorrow. The judge who will be hearing it is hard on drug dealing cases, especially at school, but is not inflexible or unpersuadable and usually does not want to keep youth in detention if he thinks the youth is not a danger to himself or others and is not likely to get into additional trouble if released. The prosecutor is a preening, self-righteous jackass who thinks he is too good for juvenile court. You expect that the prosecutor will at some point say, "He should have thought of that before he decided to sell cocaine at school!"

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## JONATHAN LOPEZ EXERCISE

- Participate Without Self-Consciousness
- Accept Feedback
- Be Attentive When Others Are Having Their Turn
- Give feedback kindly, focusing on things the trainee can control

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